

TIMOTHY OAKLEY AND MONICA
OAKLEY,

VS.

DEFENDANT

CASE No. _____

JUDGE

MAGISTRATE JUDGE

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4. The Plaintiffs have performed all conditions precedent for payment under the terms and conditions of the aforesaid policy of insurance.

5. Defendants' refusal to pay under the contract of insurance is in bad faith, and violates T.C.A. §56-7-105.

6. Defendants' acts and practices, set forth above, violate the provisions of the Tennessee Consumer Protection Act, T.C.A. §47-18-104(b)(12) and (27), and the use or employment by the Defendants of said unfair and deceptive acts and practices constitute willful or knowing violations under T.C.A. §47-18-109(a)(1)(3).

7. There is now and was at all times mentioned herein complete diversity of citizenship between the Plaintiffs and Defendants. The matter in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive of costs, interest and disbursements; therefore, this Court has jurisdiction by virtue of the provisions of 28 U.S.C. §1332.

Wherefore, Plaintiffs demand:

1. Judgment against the Defendants, jointly and/or severally, for compensatory damages in an amount not less than the sum of \$1,000,000.00.

2. That the Plaintiffs be awarded judgment for the Defendants' bad faith refusal to pay the Plaintiffs' claim, not exceeding twenty-five percent (25%) of the past due benefits and premiums paid pursuant to T.C.A. §56-7-105.

3. That the Plaintiffs be awarded judgment for compensatory and treble damages for violation of the Tennessee Consumer Protection Act T.C.A. §47-18-109(a)(1)(3) in an amount not less than \$3,000,000.00.

4. Such other relief as the Court may deem proper.

5. Trial by jury.

This 4th day of October, 2010.



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